UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,528	09/28/2006	**William B. Pittard**	20171/1201691-US1	2352

7278 7590 08/31/2009

DARBY & DARBY P.C.
P.O. BOX 770
Church Street Station
New York, NY 10008-0770

EXAMINER	
GIRMA, FEKADESELASS	
ART UNIT	**PAPER NUMBER**
2612	

MAIL DATE	DELIVERY MODE
08/31/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/597,528	PITTARD ET AL.	
	Examiner	Art Unit	
	Fekadeselassie Girma	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 June 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 June 2008* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *28 July 2008, 08 January 2007, 13 March 2007, and 30 July 2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-20 are currently pending in the application.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita (US 5500794) in view of Yamamoto (US 7432909).

As to claim 1, Fujita discloses in Distribution system and method for menu-driven user interface having the claimed transmitter (read on Col. 3, Lines 14-16; note remote controller sends infrared transmission using transmitter); a media control system (met by system controller Fig. 7a, 714); excites machine instructions associated with media content (read on Col. 4, Lines 5-17, note: the system controller waits until receiving the key depression information and decode and execute); a direct-select key (14, Fig. 1) in communication with the transmitter and having a property that is replicated in an icon on a display (met by Fig. 2) of the media control system (20, Fig. 2) wherein the property associates the direct-select key with the icon on the display Fig 2, such that activation of the direct-select key causes the transmitter to transmit a command signal to instruct the media control system to initiate an operation that is selectively associated with the icon (read on Col. 2, Lines 50 – Col. 3, Lines 17, note if a user presses the button in the first row and first column the remote controller sends out, via an IR transmission, a message simply

indicating that the depressed button position is first row and first column); a navigation key (read on Col. 2, Lines 46-53, note buttons for typical control functions such as power 11, volume 12 and channel 13); an activation of the navigation key causing the transmitter to transmit a command signal (read on Col. 2, Lines 46-53, note: Once a button is pressed, the signal sent from the remote controller 10 is received, delivered to the menu generating processor and executed); the navigation operation will be the same for any of a plurality of media control systems which access the machine instructions, (read on Col. 3, Lines 11-25 In FIG. 7b, the remote controller 10 communicates directly with a brouter 750 which is directly connected to network 710. In this case, brouter 750 converts the IR signal into a signal compatible for transmission along the network 710 and forwards the packet accordingly. For example, brouter 750 could include the functionality to send a command directly to TV 712 (e.g., volume or channel control) or it can be configured such that all received commands are sent directly to system controller 714 which, in turn, distributes the commands accordingly). Note: Since these devices typically include a processor and sufficient memory, the above mentioned functions may be implemented using that processor, for example, in a shared mode, (Col. 5, Lines 43-46). Fujita does not explicitly disclose two command signals, first and second command signals.

However, Yamamoto in a controller for accepting an operation for the operation panel supplied by the controlled device, and an operation apparatus having a first operation unit for operating the operation panel and a second operation unit for specifying a specific operation, teaches first and second command signals read on Col. 2, Lines 21-27. The artisan recognizes the obviousness of a control apparatus receives a control signal from the remote control device, a first command and a second command in accordance with the control signal. The first and

second commands are used to control the specific function of the controlled apparatus. Control signals corresponding to these keys 301 to 305 are supplied to the control unit 122 via the remote control. The control unit 122 controls movements of the focus 213 on the basis of the control signals corresponding to the keys 301 to 304. Furthermore, in FIG. 3, there are shown operation keys 311 to 315 associated with operations corresponding to specific functions, where operations corresponding to the specific functions covered by the keys 311 to 315 depend upon an operation panel currently under the operation.

Therefore it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Communication system, communication apparatus, and communication method of Yamamoto into Fujita in order to configure the remote control such that control command is the USER_ACTION command or DIRECT_ACTION command and to control the function corresponding to an operation panel specified by the action type.

As to claim 2, Fujita further discloses the transmitter is an infrared transmitter read on Col. 2, Lines 25-29.

As to claim 3, Fujita further discloses the property is at least one of a shape and a color read on Col. 2, Lines 54-63.

As to claim 4, Fujita further discloses activation of the direct-select key causes the transmitter to transmit the first command signal to instruct the media control system to initiate one of a menu, a media asset, a change in a setting, and a navigation operation (met by Col. 3, Lines 26-33; if a user presses the button in the first row and first column, (i.e., the yellow rectangle which has the same attributes as the displayed "AV" item), the remote controller sends out, via an IR transmission, a message simply indicating that the depressed button position is

first row and first column. The translation of this selection occurs in the processor which generates the menus).

As to claim 5, Fujita discloses all claimed limitations except the navigation operation is one of back operation, home operation, and forward operation. However, Yamamoto teaches the navigation operation one of a back operation to a prior section of content, a repeat operation to a beginning of a current section of content, a forward operation to a next section of content, and a home operation to activate a prior level menu read on Col. 8, Lines 10-17. The artisan recognizes that operation keys 311 to 315 associated with operations corresponding to specific functions, where operations corresponding to the specific functions covered by the keys 311 to 315 depend upon an operation panel currently under the operation. Control signals corresponding to these keys 311 to 315 are supplied to the control unit 122 via the remote control, control unit 126 of the DTV 110. The control unit 122 determines a currently selected operation panel and detects which key among the keys 311 to 315 has been depressed on the basis of the control signal before generating a command.

Therefore it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Communication system, communication apparatus, and communication method of Yamamoto into Fujita in order to designate an operation key for specifying a movement in a designated predefined direction.

As to claim 6, Fujita discloses all claimed limitations except an additional command signal. However Yamamoto teaches an additional command signal Col. 13, Line 4-8. The artisan recognizes that the control unit 102 determined whether the received control command is the USER_ACTION command. If it is the USER_ACTION command, step S103 and

subsequent processing is executed and if the DIRCT_ACTION command, step S110 and subsequent processing is executed, and finally if other command processing corresponding to the received control command is executed and then the processing control returns to the step S101 to receive the next control command. The first and second commands are used to control the specific function of the controlled apparatus. In step S116 other control commands, processing corresponding to the received control command is executed and then the processing control returns to the step S101 to receive the next control command.

Therefore it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Communication system, communication apparatus, and communication method of Yamamoto into Fujita in order to process control returns to the initial step to prepare the controller to receive the next control command.

As to claim 7, Fujita further discloses a memory storing a plurality of selectable sets of command signals that correspond to a plurality of media control systems, wherein the control system can be set to use one of the pluralities of selectable sets for transmitting the first and second command signals Col. 7, Lines 35-49. Note: As shown in FIG. 7a, the system controller 714 executes the commands in accordance with the menu displayed at the time of the received command. The functions of the system controller 714 (e.g., menu generation, command execution and distribution) are performed by a personal computer connected to network 710. The functions of the system controller may be integrated within another device such as TV 712. Since these devices include a processor and sufficient memory, the above mentioned functions may be implemented using that processor.

As to claim 8, Fujita further discloses the machine instructions conform to a digital

versatile disc (DVD) specification, (met by system controller 714, Fig. 7a and read on Col. 5, Lines 23-32 & Lines 43-46; the provision of DVD drives has become more standard in PC). Note: the system controller, in view of the menu known to have been displayed, proceeds to decode and execute, as represented by steps 918a-918n, the function related to the received key information. The system controller 714, which serves to generate menus and all other devices 716-724, can be controlled via the menu system. Remote controller 10, via IR signals, sends commands to system controller 714. The functions of the system controller may be integrated within another device such as TV 712. Since these devices typically include a processor and sufficient memory, the above mentioned functions may be implemented using that processor.

As to claim 9, Fujita further discloses the control system replaces a native remote control device (10, Fig 1), that was designed specifically for use with the media control system (met by an easy-to-use combination of remote control keypad 10 and the corresponding display menu configuration 20; Fig. 1-2) and which includes predefined keys, which when activated, causes predefined command signals to be transmitted to the media control system to perform predefined operations, (11-15, Fig. 1 and Col. 3, Lines 11-25).

As to claim 10, Fujita further discloses a housing that is sized and shaped to be held with one of one and two hands and wherein the transmitter, the direct-select key, and the navigation key are exposed through orifices in the housing read on Fig 1 and Col. 2, Lines 46-53.

As to claim 11, Fujita further discloses at least one of additional direct-select keys and additional navigation keys such that a total number of keys is within a number permitted by a DVD video specification for programmable number keys; and a dedicated key that activates a predefined operation of the media control system (read on Col. 2, Lines 52-53; Note menu button

15 activates a predefined operation).

As to claim 12, the claim is interpreted and rejected as to claim 1.

As to claim 13, the claim is interpreted and rejected as to claim 4.

As to claim 14, the claim is interpreted and rejected as to claim 5.

As to claim 15, the claim is interpreted and rejected as to claim 3.

As to claim 16, the claim is interpreted and rejected as to claim 8.

As to claim 17, Fujita further discloses a dynamically associating the icon with a different operation of the media content access device after the direct-select operation is performed read on Col. 5, Lines 28-32.

As to claim 18, the claim is interpreted and rejected as to claim 6.

As to claim 20, Fujita in view of Yamamoto discloses all claimed limitations above. Fujita further discloses machine readable medium storing data and instructions that cause a media content access device to perform the operations (read on Col. 5, Lines 33-47; note the functions of the system controller 714 (e.g., menu generation, command execution and distribution) are performed by a personal computer connected to network 710. The functions of the system controller may be integrated within another device such as TV 712. Since these devices include a processor and sufficient memory, the above mentioned functions may be implemented using that processor); displaying an icon that shares a property of a direct-select key of a control device, (read on Col. 3, 26-33; note: a menu generating processor generate the menu and display); dynamically associating the icon with a direct-select operation associated with electronic media content stored on the machine readable medium, (read on Col. 3, 34-41); performing the direct-select operation with the media content access device if a first command

signal is detected by the media content access device as a result of activation of the direct-select key on the control device read on Col. 3, Lines 42-46; performing a navigation operation with the media content access device to navigate to a desired portion of the electronic media content if a second command signal is detected by the media content access device as a result of activation of a navigation key on the control device (read on Col. 3, Lines 34-46; note shown in FIGS. 5 and 6, graphics could be used to indicate the available functions from which selections can be made. The user can easily control the CD player using the displayed menu even if the CD player is in another room. CATV interface box 830 is generally equipped with a processor and memory, the above described functions could be programmed directly into a properly equipped interface box).

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita in view of Yamamoto and further in view of Chuey (US 2005/0024229).

As to claim 19, Fujita in view of Yamamoto discloses all claimed limitations except displaying instruction to user to enter code, detecting test signal from remote control and providing success message. However, Chuey in a universal in-vehicle remote control that automatically assists in appliance activation configuration teaches displaying instructions to a user to enter a code value with the remote control device (read on ¶ 0075; note: display 474); detecting a test command signal read on ¶ 0066; providing a success message read on ¶ 0066. The artisan recognizes the obviousness of the training routine illustrated in FIG. 14 indicates a test is conducted to narrow down which scheme or schemes successfully activated the appliance. The programmable control stores information indicating the successful sequence so that the

successful sequence is retransmitted with in predefined time when the appropriate activation input is received. The data word is used to modulate the carrier, producing an activation signal, which is then transmitted, as in block 424. User input regarding the success of the test is received, as in block 426. Once again, the system may pause for a preset amount of time and, if no input is received, assume that the test was not successful.

Therefore it would have been obvious to one ordinary skill in the art at the time of invention to incorporate the Programmable appliance remote control of Chuey into Fujita in view of Yamamoto in order to provide a universal remote control that transmits a plurality of different activation signals upon receiving a user activation input.

Citation of Other Prior Arts

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Masters discussed in, Remote control with local, screen-guided setup (US 2005/0216843), Hayes discussed in, System and method for automatically setting up a universal remote control , (US 2003/0141987), Aratani discussed in, Control apparatus and control method, (US 2002/0089427), Segal discussed in, Remote control having touch pad to screen mapping (US 6765557), Osakabe discussed in, Remote control signal receiver and method, and remote control system (US 6400280) and Sato in, Remote control system (US 5949407).

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fekadeselassie Girma whose telephone number is (571) 270-

5886. The examiner can normally be reached on Monday thru Friday, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel J. Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/FG/

/Daniel Wu/
Supervisory Patent Examiner, Art Unit 2612